



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 25, 2011

**House File 658 - Introduced**

HOUSE FILE  
BY COMMITTEE ON  
APPROPRIATIONS

(SUCCESSOR TO HF 457)  
(SUCCESSOR TO HSB 111)

**A BILL FOR**

1 An Act providing for the transfer of duties relating  
2 to the certification of milk from the department of  
3 public health to the department of agriculture and land  
4 stewardship, providing for the transition, and providing an  
5 appropriation.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2484HZ (1) 84  
da/nh



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1 1 Section 1. Section 192.109, Code 2011, is amended to read  
1 2 as follows:  
1 3 192.109 Certification of grade "A" label.  
1 4 The ~~Iowa~~ department of ~~public health~~ agriculture and  
1 5 land stewardship shall annually survey and certify all  
1 6 milk labeled grade "A" pasteurized and grade "A" raw milk  
1 7 for pasteurization, and, in the event a survey shows the  
1 8 requirements for production, processing, and distribution for  
1 9 such grade are not being complied with, the fact thereof shall  
1 10 be certified by the ~~Iowa~~ department of ~~public health~~ to the  
1 11 secretary of agriculture who shall proceed with the provisions  
1 12 of section 192.107 for suspending the permit of the violator or  
1 13 who, if the secretary did not issue such permit, shall withdraw  
1 14 the grade "A" declared on the label.  
1 15 Sec. 2. ADMINISTRATIVE RULES ==== TRANSITION PROVISIONS.  
1 16 1. Any rule, regulation, form, order, or directive  
1 17 promulgated by the department of public health as required to  
1 18 administer and enforce the provisions of section 192.109 shall  
1 19 continue in full force and effect until amended, repealed,  
1 20 or supplemented by affirmative action of the department of  
1 21 agriculture and land stewardship.  
1 22 2. An administrative hearing or court proceeding arising  
1 23 out of an enforcement action under section 192.109 pending  
1 24 on the effective date of this Act shall not be affected due  
1 25 to this Act. Any cause of action or statute of limitation  
1 26 relating to an action taken by the department of public health  
1 27 shall not be affected as a result of this Act and such cause  
1 28 or statute of limitation shall apply to the department of  
1 29 agriculture and land stewardship.  
1 30 3. Any personnel in the state merit system of employment  
1 31 who are mandatorily transferred due to the effect of this Act  
1 32 shall be so transferred without any loss in salary, benefits,  
1 33 or accrued years of service.  
1 34 4. Any replacement of signs, logos, stationery, insignia,  
1 35 uniforms, and related items that is made necessary due to



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2 1 the effect of this Act shall be done as part of the normal  
2 2 replacement cycle for such items.  
2 3     Sec. 3. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP ====  
2 4 CERTIFICATION OF MILK. There is appropriated from the general  
2 5 fund of the state to the department of agriculture and land  
2 6 stewardship for the fiscal year beginning July 1, 2011, and  
2 7 ending June 30, 2012, the following amount, or so much thereof  
2 8 as is necessary, to be used for the purposes designated:  
2 9     For purposes of performing functions pursuant to section  
2 10 192.109, including conducting a survey of grade "A" milk  
2 11 and certifying the results to the secretary of agriculture,  
2 12 including salaries, support, maintenance, miscellaneous  
2 13 purposes, and for not more than the following full-time  
2 14 equivalent positions:  
2 15 ..... \$     189,196  
2 16 ..... FTEs     2.00  
2 17                                   EXPLANATION  
2 18     This bill relates to the regulation of milk or milk  
2 19 products, including labeling requirements (Code chapter 191)  
2 20 or production, processing, or distribution requirements (Code  
2 21 chapter 192), as administered and enforced by the department of  
2 22 agriculture and land stewardship. A person who stores, brings,  
2 23 sends, or receives milk or milk products into this state for  
2 24 commercial purposes must be issued a permit by the department  
2 25 (Code section 192.107).  
2 26     The department of public health annually surveys and  
2 27 certifies to the department of agriculture and land stewardship  
2 28 whether milk or milk products comply with the requirements.  
2 29 The secretary of agriculture then must suspend the permit  
2 30 of a violator or withdraw the grade "A" label (Code section  
2 31 192.109). The bill transfers the certification authority  
2 32 from the department of public health to the department of  
2 33 agriculture and land stewardship.  
2 34     The bill provides transitional provisions to assist the  
2 35 departments in accomplishing the transfer. The provisions



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3 1 relate to the validity of existing rules, regulations, forms,  
3 2 orders, and directives promulgated by the department of public  
3 3 health; pending enforcement actions; the transfer of personnel;  
3 4 and the replacement of items with insignia.

3 5 The bill appropriates moneys from the general fund of the  
3 6 state and allocates full-time equivalent positions to the  
3 7 department of agriculture and land stewardship for purposes  
3 8 of conducting the survey and certifying the results to the  
3 9 secretary of agriculture.

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HOUSE FILE  
BY COMMITTEE ON  
GOVERNMENT OVERSIGHT

(SUCCESSOR TO HSB 218)

**A BILL FOR**

1 An Act relating to the administration of prison industries  
2 established and maintained by the Iowa department of  
3 corrections, and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2694HV (2) 84  
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1 1 Section 1. Section 904.805, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 7. a. Report semiannually to the general  
1 4 assembly's standing committees on government oversight  
1 5 regarding the operations of Iowa state industries.

1 6 b. Report quarterly and annually to the industries board,  
1 7 the governor, the auditor of state, and the general assembly a  
1 8 full and complete statement of Iowa state industries revenues  
1 9 and expenses for the preceding quarter, and with respect to the  
1 10 annual report, for the preceding year.

1 11 Sec. 2. Section 904.813, Code 2011, is amended by adding the  
1 12 following new subsection:

1 13 NEW SUBSECTION. 3A. A capital expenditure in an amount  
1 14 exceeding two hundred fifty thousand dollars shall not be  
1 15 made from the Iowa state industries revolving fund without  
1 16 authorization by a constitutional majority of each house of the  
1 17 general assembly, or approval by the legislative council if the  
1 18 general assembly is not in session.

1 19 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
1 20 immediate importance, takes effect upon enactment.

1 21 EXPLANATION

1 22 This bill relates to the administration of Iowa state  
1 23 industries.

1 24 The bill requires the state director of Iowa state  
1 25 industries to report semiannually to the standing committees  
1 26 on government oversight regarding the operations of Iowa state  
1 27 industries. The state director is also required in the bill  
1 28 to provide a report on a quarterly and annual basis to the  
1 29 industries board, the governor, the auditor of state, and the  
1 30 general assembly containing a full and complete statement of  
1 31 Iowa state industries revenues and expenses for the preceding  
1 32 quarter, and with respect to the annual report, for the  
1 33 preceding year.

1 34 The bill provides that no capital expenditure shall be made  
1 35 from the Iowa state industries revolving fund established



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2 1 in Code section 904.813 in excess of \$250,000 without  
2 2 authorization by a constitutional majority of each house of the  
2 3 general assembly, or approval by the legislative council if the  
2 4 general assembly is not in session.  
2 5 The bill takes effect upon enactment.  
LSB 2694HV (2) 84  
rn/rj



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**House File 660 - Introduced**

HOUSE FILE  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO HF 402)  
(SUCCESSOR TO HSB 75)

**A BILL FOR**

1 An Act relating to certain fees assessed for activities  
2 regulated under the federal Clean Air Act.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 2175HZ (1) 84  
tm/nh





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1 1 Section 1. Section 455B.133, subsection 8, paragraph a,  
1 2 Code 2011, is amended to read as follows:  
1 3 a. (1) Adopt rules consistent with the federal Clean Air  
1 4 Act Amendments of 1990, Pub. L. No. 101=549, which require  
1 5 the owner or operator of an air contaminant source to obtain  
1 6 an operating permit prior to operation of the source. The  
1 7 rules shall specify the information required to be submitted  
1 8 with the application for a permit and the conditions under  
1 9 which a permit may be granted, modified, suspended, terminated,  
1 10 revoked, reissued, or denied. For sources subject to the  
1 11 provisions of Tit. IV of the federal Clean Air Act Amendments  
1 12 of 1990, permit conditions shall include emission allowances  
1 13 for sulfur dioxide emissions. The commission may impose  
1 14 fees, including fees upon regulated pollutants emitted from  
1 15 an air contaminant source, in an amount sufficient to solely  
1 16 cover, on an annual basis, all reasonable costs, direct and  
1 17 indirect, required to develop and administer the permit program  
1 18 in conformance with the federal Clean Air Act Amendments of  
1 19 1990, Pub. L. No. 101=549, as further defined in subparagraph  
1 20 (2). Affected units regulated under Tit. IV of the federal  
1 21 Clean Air Act Amendments of 1990, Pub. L. No. 101=549, shall  
1 22 pay operating permit fees in the same manner as other sources  
1 23 subject to operating permit requirements, except as provided in  
1 24 section 408 of the federal Act. The fees collected pursuant  
1 25 to this subsection shall be deposited in the air contaminant  
1 26 source fund created pursuant to section 455B.133B, and shall  
1 27 be utilized solely to cover all reasonable costs required to  
1 28 develop and administer the programs required by Tit. V of the  
1 29 federal Clean Air Act Amendments of 1990, Pub. L. No. 101=549,  
1 30 including the permit program pursuant to section 502 of the  
1 31 federal Act and the small business stationary source technical  
1 32 and environmental assistance program pursuant to section 507  
1 33 of the federal Act.  
1 34 (2) Not later than January 1, 2012, fees assessed under this  
1 35 subsection shall be sufficient solely to provide for the costs



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2 1 of developing and administering the operating permit program  
2 2 described in this subsection, which costs are limited to all  
2 3 of the following:

2 4 (a) Reasonable costs of preparing generally applicable  
2 5 regulations or guidance regarding the permit program or its  
2 6 implementation or enforcement.

2 7 (b) Reasonable costs of reviewing and acting on any  
2 8 application for a permit, permit revision, or permit renewal,  
2 9 including the development of an applicable requirement as part  
2 10 of the processing of a permit or permit revision or renewal.

2 11 (c) Reasonable general administrative costs of  
2 12 administering the permit program, including the supporting  
2 13 and tracking of operating permit applications, compliance  
2 14 certification, and related data entry.

2 15 (d) Reasonable costs of implementing and enforcing the  
2 16 terms of an operating permit, not including any court costs or  
2 17 other costs associated with an enforcement action, including  
2 18 adequate resources to determine which sources are subject to  
2 19 the program.

2 20 (e) Reasonable costs of emissions and ambient monitoring.

2 21 (f) Reasonable costs of modeling, analyses, or  
2 22 demonstrations.

2 23 (g) Reasonable costs of preparing inventories and tracking  
2 24 emissions.

2 25 (h) Reasonable costs of providing direct and indirect  
2 26 support to sources under the federal Small Business Stationary  
2 27 Source Technical and Environmental Compliance Assistance  
2 28 Program pursuant to section 507 of the federal Clean Air Act.

2 29 (3) Fees assessed pursuant to this subsection shall not  
2 30 be used for costs associated with a construction permitting  
2 31 program, including general ambient air quality modeling or  
2 32 monitoring under the program.

2 33 (4) Fees shall not be assessed for any permitting program  
2 34 under this subsection when the program exceeds in any way the  
2 35 requirements of the federal Clean Air Act Amendments of 1990,



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3 1 Pub. L. No. 101=549.

3 2 (5) For the fiscal year beginning July 1, 2011, and each  
3 3 fiscal year thereafter, the Tit. V fee required pursuant to the  
3 4 federal Clean Air Act Amendments of 1990, Pub. L. No. 101=549,  
3 5 shall not be more than fifty=six dollars per ton of regulated  
3 6 air pollutant emitted from a major stationary source. Fees  
3 7 shall not be collected for greenhouse gas emissions as defined  
3 8 by the greenhouse gas tailoring rule adopted by the United  
3 9 States environmental protection agency.

3 10 (6) For purposes of this paragraph "a", "permit" means an  
3 11 operating permit under this subsection.

3 12 Sec. 2. REPORTING. On the fifteenth day of each month  
3 13 from July 1, 2011, through January 15, 2012, the department  
3 14 of natural resources shall forward a report to each holder  
3 15 of an operating permit issued pursuant to section 455B.133,  
3 16 subsection 8, paragraph "a". The report shall include a  
3 17 detailed itemization of moneys expended during the previous  
3 18 calendar month on activities related to section 455B.133,  
3 19 subsection 8, paragraph "a". In addition, the report shall  
3 20 include an itemization of time spent during the previous  
3 21 calendar month by employees on activities related to section  
3 22 455B.133, subsection 8, paragraph "a".

3 23 EXPLANATION

3 24 This bill relates to certain fees assessed for activities  
3 25 regulated under the federal Clean Air Act Amendments of 1990.

3 26 The bill requires certain fees assessed for regulated  
3 27 activities under the federal Clean Air Act be sufficient  
3 28 solely to provide for specific listed costs of developing and  
3 29 administering the operating permit program. The bill prohibits  
3 30 fees from being used for costs associated with a construction  
3 31 permitting program, including general ambient air quality  
3 32 modeling or monitoring under the program. The bill prohibits  
3 33 fees from being assessed for any permitting program that  
3 34 exceeds in any way the requirements of the federal Clean Air  
3 35 Act Amendments of 1990, Pub. L. No. 101=549.



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4 1 For the fiscal year beginning July 1, 2011, and each fiscal  
4 2 year thereafter, the bill requires the Title V fee required  
4 3 pursuant to the federal Clean Air Act Amendments of 1990, to be  
4 4 not more than \$56 per ton of regulated air pollutant emitted  
4 5 from a major stationary source. The bill prohibits fees from  
4 6 being collected for greenhouse gas emissions as defined by the  
4 7 greenhouse gas tailoring rule adopted by the United States  
4 8 environmental protection agency. The bill includes reporting  
4 9 requirements for the department of natural resources.

LSB 2175HZ (1) 84

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